

REMARKS

Claims 1-3, 5-9, 69, 70, and 75-85 were pending in the current application. Applicants have canceled claims 3 and 69, amended claims 1, 2, 5, 75, 77, 78, 83, and 84 and added new claims 86-91. Reexamination and reconsideration of all of the claims are respectfully requested.

Election/Restrictions

Applicants appreciate and acknowledge the Examiner's reconsideration and withdrawal of the species restriction requirement.

Claim Objections

The Office Action objected to claims 3 and 69. Applicants have canceled these claims.

35 U.S.C. § 102 and § 103

The Office Action rejected claims 75, 77-81, and 83-84 under 35 U.S.C. § 102(b) based on Chuang et al., U.S. Patent No. 6,064,517 ("Chuang"). The Office Action also rejected claim 76 under 35 U.S.C. § 103(a) based on Chuang.

Applicants have amended independent claims 75 and 83 to recite that the imaging subsystem uses a plurality of elements or optical elements having a maximum diameter less than approximately one hundred millimeters. None of the cited references, including Chuang, show such a design. The Office Action specifically calls out FIG. 17, which includes optical element 1706, having a diameter of in excess of approximately 120 millimeters. None of the embodiments in Chuang show a design having elements or optical elements having a maximum diameter less than approximately 100 millimeters. Applicants respectfully submit independent claims 75 and 83 are therefore allowable.

The Office Action rejected claims 1-3, 5-9, 69, 70, 82, and 85 under 35 U.S.C. § 103(a) based on Chuang in view of Shafer et al., U.S. Patent 5,717,518 (“Shafer”).

Shafer also discloses a system having elements or optical elements with diameters greater than approximately 100 millimeters. Hence independent claim 1, as amended, includes aspects neither disclosed nor suggested by the cited references – namely, elements or optical elements having diameter less than approximately 100 millimeters.

Thus independent claims 1, 75, and 83 are neither anticipated nor obvious in view of Chuang and/or Shafer, alone or in combination, and claims depending from claims 1, 75, and 83 are allowable as they depend from an allowable base claim. New claims 86-91 are also allowable for the reasons presented above.

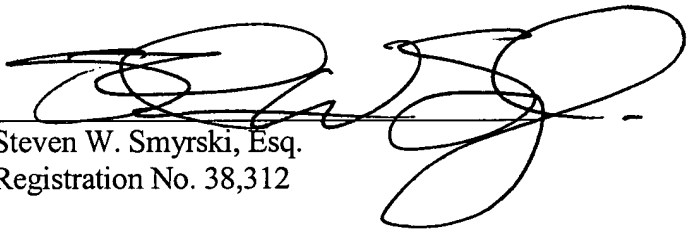
CONCLUSION

In view of the foregoing, it is respectfully submitted that all claims of the present application, as amended, are in condition for allowance. Reconsideration of all of the claims is respectfully requested and allowance of all the claims at an early date is solicited.

Applicants believe that no fees are required with the present response in view of the enclosed Fee Determination Record. Should it be determined for any reason an insufficient fee has been paid, please charge any insufficiency to ensure consideration and allowance of this matter to Deposit Account 502026.

Respectfully submitted,

Date: August 3, 2005



Steven W. Smyrski, Esq.
Registration No. 38,312

SMYRSKI LAW GROUP, A PROFESSIONAL CORPORATION
3310 Airport Avenue, SW
Santa Monica, California 90405-6118
Phone: 310.397.9118
Fax: 310.397.9158